

AzDEQ SFY20 EOY
Water Program Assessment
Highlights and Concerns
October 2020

Administration of Water Programs under the Integration PPG Work Plan

Highlight

- AzDEQ and EPA would like to continue to improve the multi-media Integrated PPG Workplan (Workplan) structure and formatting to make it a better tool to oversee programmatic, financial accountability, and outputs.

Concern

- While ongoing discussions between EPA and AzDEQ have improved the understanding and expectation of the work to be accomplished in the Workplan, the current workplan negotiation process is labor-intensive; a more streamlined process must be pursued.

CWA Enforcement and Compliance

NPDES Enforcement

Highlights:

- Despite the pandemic, ADEQ has continued compliance monitoring activities. To the extent possible, ADEQ has conducted field inspections prioritizing environmental or public health threats. It has also deployed virtual compliance evaluations and other creative tools to assess compliance.

Concerns:

- Sanitary Sewer Systems Inspections: ADEQ failed to meet the CMS goals for SSS inspections each year from SFY16 through SFY20. The full CMS SSS inspection commitment for SFY21 is 6.
- ADEQ needs to complete implementation of SRF Round 4 recommendations which include improving accuracy in data management, providing comprehensive NPDES inspector training for all the authorized programs, and revising the Compliance Handbook.

Surface Water

Water Quality Standards

Highlight

- AzDEQ submitted a large, complex WQS package to EPA for review, reflecting years of effort by AzDEQ staff.

Concerns

- Because AzDEQ submitted the WQS package earlier than anticipated, EPA did not have an opportunity to provide feedback after public notice, but before submittal. This has impacted EPA's review time; early review of the submitted package indicates that it is missing information in support of specific standards revisions. We are continuing discussions to resolve these issues.
- EPA understands workplan tasks have ceased for a variety of reasons, including ongoing staff vacancies and turnover. EPA is concerned about suspension of long-term program work (such as development of biological criteria and dissolved oxygen criteria).

Water Quality Monitoring

Highlight

- For a full reporting year, AzDEQ has maintained an improved data flow to WQX. This data is essential to the AzDEQ 303(d) assessment program, the Integrated Report (IR), and other programs.

Concerns

- AzDEQ has stated that the primary focus of its annual monitoring plans is to “... Confirm Impairments or Delist.” Merely confirming impairments to determine whether delisting is appropriate may not satisfy CWA 305(b) requirements to assess all waters.
- AzDEQ has reported it is experiencing ongoing vacancies in the program value stream(s) which has impacted its ability to complete workplan tasks.

Integrated Report and TMDL

Highlight

- The Santa Cruz TMDL for e. coli was submitted and approved achieving one of AzDEQ’s Vision Commitments.

Concern

- CWA § 303(d) requires AzDEQ to develop TMDLs to address impaired water bodies on the 303(d) list. The continued delays in completion of the Pinto Creek TMDL, along with the suspension of work in the San Pedro River and Queen Creek, and the lack of planned new TMDL development in the workplan indicate that AzDEQ is not meeting this requirement. The KOUI approach may alleviate this concern, however, EPA needs to better understand how this approach meets “TMDL alternative” requirements.

AzPDES Permitting

Highlight

- AzDEQ continued to issue quality permits on time; significantly improved online access to permittees seeking coverage under both the Multi-Sector General Permit (MSGP) and the Construction General Permit (CGP); with a fully functional e-NOI program. AzDEQ also committed to posting all of its individual and general permits on its website before the end of the calendar year 2020 and made significant progress towards that goal in SFY20.

Concerns

- The NWPR and the unsettled question of the jurisdictional status of receiving waters for AzPDES permits is an ongoing concern.
- Despite the planned termination of two GPs AzDEQ will still be backlogged on re-issuing the Pesticide GP and Biosolids GP. Staffing issues due to the loss of a couple of key staff and a hiring moratorium, as well as the demand on staff time to issues related to the new NWPR make the issuance of these backlogged GPs a challenge moving forward. A permit issuance Plan with countermeasures is appropriate.

Development of CWA § 404 Permitting Program

Highlight

- AzDEQ effectively managed a complex stakeholder process that required staff and management to quickly develop knowledge of an unfamiliar and complicated program.

EPA appreciated AzDEQ's effective partnership with EPA in support of the State's aim to gain approval for assuming the § 404 program by December 2020.

Nonpoint Source and Infrastructure

Nonpoint Source Program

Highlights

- Submitted the State's Updated 5-year NPS Management Plan for approval.
- Submitted a Success Story (Turkey Creek) which is now published on EPA's website.

Concerns

- Several nonpoint source program workplan commitments were not met, including:
 - completion of the Clean Water Plan for San Pedro River,
 - completion of TMDLs for Pinto Creek and Queen Creek,
 - completion of monitoring work planned for Pinto Creek and Davidson Canyon, and
 - attendance at the NPS National Meeting.
- The lack of progress on several planned TMDLs, discussed above, adversely affected the State's ability to harness federal, state, and local resources to conduct the necessary watershed analysis and planning to enable funding of NPS implementation projects.

Nonpoint Source Project (CWA § 319)

Highlight

- CWA §319 funds were effectively earmarked for projects within one year of the award; 9 implementation projects were awarded over the past 2 years.

Concern

- AzDEQ funds staff time with NPS Project grant funds to work directly on implementation projects. While the Project Officer approved the use of project funds for staffing direct implementation, we note that project grant funds are solely intended to support implementation of watershed-based plans and may not support staff work on non-implementation activities (2013 national Nonpoint Source Grant Guidance).

US-Mexico Border

Highlight

- To address pretreatment needs in Nogales, AzDEQ coordinated and participated in the first meeting of the U.S. Mexico-Border Utilities Group involving the City of Phoenix, OOMAPAS Nogales, Pima County, and AzDEQ.
- EPA appreciates AzDEQ's leadership in addressing emergency situations and issues in Naco, Sonora and related to the IOI.

CWA 604(b) and 205(j) – Water Quality Management Planning (WQMP)

Highlight

- AzDEQ competitively selected innovative planning projects in Maricopa and Yavapai Counties, resulting in projects which yielded better outcomes

Concern

- During several local workshops EPA attended, there appeared to be a need for WQMP assistance outside of the Councils of Governments and Designated Planning Agency.

Drinking Water and Clean Water State Revolving Fund (SRF) Programs

Highlight

- As part of EPA's SRF program evaluation, the Drinking Water SRF was found to be managed satisfactorily; the Clean Water SRF needs to make improvements in its funds utilization. EPA has asked WIFA to develop a plan to improve funds utilization moving forward and we would welcome AzDEQ's involvement in efforts to expand project funding.

Groundwater and Drinking Water

Groundwater

Highlights

- EPA appreciates the close coordination on the UIC Primacy delegation efforts and UIC/APP permit activities.
- EPA also appreciates AzDEQ observing mechanical integrity testing required by the UIC permits at the Florence Copper and Morton Salt facilities.

Public Water Systems Supervision

Highlights

- EPA approved revised ADEQ primacy for two older rules (Consumer Confidence Report, Public Notification) and two required statutory revisions (revised PWSS definition, Administrative Penalty Authority) This represented the first revised primacy action by EPA for AzDEQ since 1993.
- AzDEQ submitted primacy packages for an additional six rules for EPA review.
- AzDEQ conducted 241 Sanitary Surveys and developed a pilot virtual sanitary survey SOP which enabled completion of required sanitary surveys for small systems.
- AzDEQ has furthered its predictive modeling efforts, initiated in FY19, to identify systems that may be challenged with addressing arsenic in its water supply.

Concerns

- AzDEQ has not implemented its new procedures for migrating corrective actions from AZURITE to SDWIS/State for tracking and recording the correction of significant deficiencies identified during sanitary surveys.
- AzDEQ to continue efforts with following-up on Maricopa County Program/File Review findings that included lack of implementation of the Lead and Copper Rule, failure to enforce drinking water violations, and failure to compel correction of significant deficiency findings.